



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

September 21, 2022

Memorandum for: Deputy Commissioner, Trials

Re: **Detective Thomas Mannion**
Tax Registry No. 947205
Queens Court Section
Disciplinary Case No. 2021-23299

The above named member of the service appeared before Assistant Deputy Commissioner Jeff S. Adler on April 12, 2022 and was charged with the following:

DISCIPLINARY CASE NO. 2021-23299

1. Said Detective Thomas Mannion, while assigned to Narcotics Borough Brooklyn North, on or about February 1, 2020 and October 15, 2020, on numerous occasions, wrongfully made false or inaccurate entries in Department records, in that said Detective improperly prepared or submitted Electronic Case Management System worksheets or "DD-5s" containing inaccurate information.

P.G. 203-05, Page 1, Paragraph 4

PERFORMANCE ON DUTY

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

P.G. 203-08

**FALSE OR MISLEADING
STATEMENTS**

**(versions before 4/1/20
and on and after 4/1/20)**

MAKING FALSE STATEMENTS

2. Said Detective Thomas Mannion, while assigned to Narcotics Borough Brooklyn North, on or about February 1, 2020 and October 15, 2020, on numerous occasions, failed to make required entries in his Activity Log.

P.G. 212-08, Page 1, Paragraph 1

ACTIVITY LOGS

Detective Guide 513-04

**PREPARATION OF DIGITAL
ACTIVITY LOGS FOR
UNIFORMED MEMBERS OF
THE SERVICE ASSIGNED TO
DETECTIVE BUREAU**

(cont.)

P.G. 203-05, Page 1, Paragraph 4

PERFORMANCE ON DUTY

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

3. Said Detective Thomas Mannion, while assigned to Narcotics Borough Brooklyn North, on or about February 1, 2020 and October 15, 2020, on numerous occasions, wrongfully made inaccurate entries or failed to make accurate entries in Department records, to wit: Movement Log.

P.G. 203-05, Page 1, Paragraph 4

PERFORMANCE ON DUTY

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

Detective Guide 513-01

**PREPARATION OF
DETECTIVE BUREAU
ACTIVITY LOGS
MANAGEMENT CONTROLS**

4. Said Detective Thomas Mannion, while on duty and assigned to Detective Borough Brooklyn North, on or about and between February 1, 2020 and October 15, 2020, made false entries in the business records of an enterprise, the New York City Police Department, in that said Detective prepared DD5s falsely documenting investigative actions.

Penal Law 175.05 (1)

**FALSIFYING BUSINESS
RECORDS IN THE SECOND
DEGREE**

P.G. 203-08

**FALSE OR MISLEADING
STATEMENTS**

**(versions before 4/1/20
and on and after 4/1/20)**

MAKING FALSE STATEMENTS

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT –
PROHIBITED CONDUCT**

In a Memorandum dated May 18, 2022, Assistant Deputy Commissioner Jeff S. Adler found Detective Thomas Mannion guilty of Specification Nos. 1 and 4 (Detective Mannion pled guilty to No. 1), and guilty-in-part of Specification Nos. 2 and 3, in Disciplinary Case No. 2021-23299. Having read the Memorandum and analyzed the facts of this matter, I approve of the findings, and agree that Detective Thomas Mannion be separated from the Department by way of vested interest retirement.

Having considered the totality of the circumstances and issues concerning the misconduct for which Detective Thomas Mannion has been found guilty, separation from the Department will be implemented as follows.

In lieu of dismissal, an *immediate* post-trial settlement agreement be implemented with Detective Thomas Mannion in which he shall forfeit thirty (30) suspension days to be served, forfeit all time and leave balances, be placed on one (1) year dismissal probation, and immediately file for vested interest retirement.

Such vested interest retirement shall also include Detective Thomas Mannion's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Detective Thomas Mannion does not agree to the terms of this vested interest retirement agreement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY**.


Keechant L. Sewell
Police Commissioner



POLICE DEPARTMENT

May 18, 2022

-----X
In the Matter of the Charges and Specifications :
- against - :
Detective Thomas Mannion :
Tax Registry No. 947205 :
Queens Court Section :
-----X

Case No.
2021-23299

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Samuel Yee, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Marissa Gillespie, Esq.
Karasyk & Moschella, LLP
233 Broadway, Suite 2340
New York, NY 10279

To:

HONORABLE KEECHANT L. SEWELL
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

COURTESY • PROFESSIONALISM • RESPECT

Website: <http://nyc.gov/nypd>

CHARGES AND SPECIFICATIONS

1. Said Detective Thomas Mannion, while assigned to Narcotics Borough Brooklyn North, on or about February 1, 2020 and October 15, 2020, on numerous occasions, wrongfully made inaccurate entries in Department records, in that said Detective improperly prepared or submitted Electronic Case Management System worksheets or "DD-5s" containing inaccurate information. (*As amended*)

P.G. 203-05, Page 1, Paragraph 4	PERFORMANCE ON DUTY – GENERAL REGULATIONS
P.G. 203-10, Page 1, Paragraph 5	PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS
P.G. 203-08 (versions before 4/1/20 and on and after 4/1/20)	FALSE OR MISLEADING STATEMENTS GENERAL REGULATIONS MAKING FALSE STATEMENTS GENERAL REGULATIONS
2. Said Detective Thomas Mannion, while assigned to Narcotics Borough Brooklyn North, on or about February 1, 2020 and October 15, 2020, on numerous occasions, failed to make required entries in his Activity Log.

P.G. 212-08, Page 1, Paragraph 1	ACTIVITY LOGS COMMAND OPERATIONS
Detective Guide 513-04	PREPARATION OF DIGITAL ACTIVITY LOGS FOR UNIFORMED MEMBERS OF THE SERVICE ASSIGNED TO DETECTIVE BUREAU
P.G. 203-05, Page 1, Paragraph 4	PERFORMANCE ON DUTY – GENERAL REGULATIONS
P.G. 203-10, Page 1, Paragraph 5	PUBLIC CONTACT – PROHIBITED CONDUCT GENERAL REGULATIONS
3. Said Detective Thomas Mannion, while assigned to Narcotics Borough Brooklyn North, on or about February 1, 2020 and October 15, 2020, on numerous occasions, wrongfully

made inaccurate entries or failed to make accurate entries in Department records, to wit: Movement Log.

P.G. 203-05, Page 1, Paragraph 4

PERFORMANCE ON DUTY –
GENERAL REGULATIONS

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

Detective Guide 513-01

PREPARATION OF DETECTIVE
BUREAU ACTIVITY LOGS
MANAGEMENT CONTROLS

4. Said Detective Thomas Mannion, while on duty and assigned to Detective Borough Brooklyn North, on or about and between February 1, 2020 and October 15, 2020, made false entries in the business records of an enterprise, the New York City Police Department, in that said Detective prepared DD5s falsely documenting investigative actions.

Penal Law 175.05 (1)

FALSIFYING BUSINESS
RECORDS IN THE SECOND
DEGREE

P.G. 203-08

(versions before 4/1/20
and on and after 4/1/20)

FALSE OR MISLEADING
STATEMENTS
GENERAL REGULATIONS

MAKING FALSE STATEMENTS
GENERAL REGULATIONS

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –
PROHIBITED CONDUCT
GENERAL REGULATIONS

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on April 12, 2022. Respondent, through his counsel, entered a plea of Guilty to Specifications 1, 2 and 3 and pleaded Not Guilty to Specification 4. The Department called no witnesses, but introduced into evidence a synopsis of an audit that was done in connection with visits to kite locations by

Respondent. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find as follows:

Specification 1 (inaccurate entries on worksheets): Guilty

Specification 2 (Activity Log omissions): Guilty-in-part

Specification 3 (Movement Log omissions): Guilty-in-part

Specification 4 (false entries on worksheets): Guilty.

Recommended penalty: Forced Separation from the Department, as discussed below.

ANALYSIS

When a complaint comes to the attention of the Department regarding narcotics activity at a particular location, a narcotics investigator may be assigned to investigate the complaint, known as a "kite." This assignment requires the investigator to twice spend approximately 30 minutes at the location, observing whether there is any sign of drug activity occurring there. Based on these observations, there might be further investigative actions taken by the Department to address the drug activity, such as undercover buys, additional observations, or search warrants.

An IAB audit of Respondent's kite observations during 2020 began by looking at the DD-5 worksheets prepared by Respondent, which indicated when he went to specific locations. IAB then compared those reports with other evidence in order to determine whether Respondent did, in fact, go to the locations at the times he claimed to have done so. Specifically, IAB reviewed Automatic Vehicle Location ("AVL") data showing the location of Respondent's vehicle on the days and times in question, as well as his Activity Log and the command's Movement Log. The results of that audit are summarized in an eight-page synopsis (Dept. Ex.

1); the parties stipulated to the accuracy of this summary. The synopsis indicates that on 11 different occasions, Respondent did not, in fact, visit and observe the locations, even though he prepared reports claiming that he had done so. The exhibit also includes a number of kite observations where Respondent was not charged with misconduct.

Respondent has offered guilty pleas for Specifications 1-3, but has contested Specification 4. Specifically, he admits that the reports he prepared on these 11 occasions were inaccurate (Specification 1). He also admits that on numerous occasions, he failed to make accurate entries in his Activity Log (Specification 2) and the precinct's Movement Log (Specification 3). However, Respondent contests Specification 4, which alleges that he knowingly provided false information in the reports; Respondent maintains that the inaccuracies in the reports were not done intentionally, but were merely mistakes on his part.

The synopsis in evidence breaks down the 11 times where Respondent erroneously claimed to have visited and observed a kite location. Specifically:

1. On February 26, 2020, Respondent prepared a worksheet stating that on February 1, 2020, he conducted a kite observation at a specified location from 1715 hours until 1745 hours. However, the AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
2. On February 26, 2020, Respondent prepared a worksheet stating that on February 14, 2020, he conducted a kite observation, from 1900 hours until 1930 hours, at the same location he claimed to have visited in #1, above. However, the AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
3. On October 15, 2020, Respondent prepared a worksheet stating that on September 16, 2020, he conducted a kite observation at a specified location from 1550 hours until 1620 hours. However, the AVL records show that while Respondent's vehicle drove by one block from the target location an hour earlier, the vehicle did not stop, and there was no record of the vehicle being at the target location during the time in question. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to this particular location.

4. On October 15, 2020, Respondent prepared a worksheet stating that on October 15, 2020, from 2150 hours until 2220 hours, he conducted a kite observation at the same location he claimed to have visited in #3, above. However, the AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
5. On October 14, 2020, Respondent prepared a worksheet stating that on October 9, 2020, he conducted a kite observation at a specified location from 2100 hours until 2130 hours. However, AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log reflecting a visit to the location.
6. On October 14, 2020, Respondent prepared a worksheet stating that on October 14, 2020, from 1810 hours until 1840 hours, he conducted a kite observation at the same location he claimed to have visited in #5, above. However, the AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log reflecting a visit to the location.
7. On September 23, 2020, Respondent prepared a worksheet stating that on July 30, 2020, he conducted a kite observation at a specified location from 1400 hours until 1430 hours. However, AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
8. On September 23, 2020, Respondent prepared a worksheet stating that on September 2, 2020, from 1405 hours until 1435 hours, he conducted a kite observation at the same location he claimed to have visited in #7, above. However, AVL records show that Respondent's vehicle was not at the location. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
9. On April 24, 2020, Respondent prepared a worksheet stating that on April 24, 2020, he conducted a kite observation at a specified location from 1845 hours until 1915 hours. However, AVL records show that while Respondent's vehicle drove within one block of the target location, the vehicle did not stop nor drive past the actual location. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
10. On April 23, 2020, Respondent prepared a worksheet stating that on April 22, 2020, he conducted a kite observation at a specified location at 1830 hours. However, AVL records show that while Respondent's vehicle drove through an intersection adjacent to the block containing the target location, the vehicle did not stop or otherwise linger in the area. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.
11. On March 18, 2020, Respondent prepared a worksheet stating that on March 4, 2020, he conducted a kite observation at a specified location at 1800 hours. However, AVL

records show that while Respondent's vehicle drove through an intersection one block from the target location two hours earlier, the vehicle did not stop at the location, and was parked back at the base at 1805 hours. Additionally, there were no entries in the Movement Log, or Respondent's Activity Log, reflecting a visit to the location.

Respondent testified that during the time period in question, he was assigned to investigate four or five kites at any given time, and also assisted other team members in their investigations. In late February/early March of 2020, he also was responsible for helping cover patrol assignments in other precincts due to shortages caused by COVID-19. Beginning in late May, Respondent also was assigned to deal with the protests and riots that were occurring in the city almost every day. Throughout the summer, days-off were sometimes cancelled, and shifts were extended. The demands of the job frequently became "overwhelming" to Respondent. Also, his wife was pregnant at the time, adding to the pressures he faced. (Tr. 34-38, 82)

According to Respondent, it was in this context that he made "mistakes" in the worksheets he prepared. Respondent admitted that on the eleven occasions listed above, he did not actually visit and observe the kite locations at the times specified in his worksheets. There were some occasions where he was busy with other assignments, and could not prepare the paperwork for his kite observations until a later date. However, Respondent offered no explanation as to how he could make such mistakes on the several occasions where he prepared the worksheet on the *same day* that he claimed to have visited and observed a kite location. Respondent claimed that at times, when he was in a rush, he would cut and paste sections from other documents with a similar narrative into his worksheets. He also speculated that in some of the cases, he may actually have passed the locations and "set eyes" on them, but on a different date than was listed in his report; Respondent did not, however, provide any specific examples of when that occurred. (Tr. 39-43, 49, 51-77, 86)

Respondent acknowledged that there were multiple inaccuracies in the reports that he prepared, but insisted that he did not knowingly make fraudulent entries in the worksheets, and did not intend to deceive the Department. He described the “mistakes” as “copy and paste errors. Just rushing through things to try to get things done, but nothing malicious.” Respondent testified that the job “means the world” to him, he’s a team player, and this work is what he’s always wanted to do. (Tr. 46-50, 86-87)

Specification 1 charges Respondent with making *inaccurate* entries in Department records in that he prepared worksheets stating that he had visited and observed kite locations at specific times even though he had not done so. Respondent pleaded guilty to this charge, admitting that on 11 occasions in 2020, he prepared worksheets with incorrect material information. Based on Respondent’s admission, and the credible evidence provided in the audit synopsis (Dept. Ex. 1), I find Respondent guilty of Specification 1.

Specification 2 charges Respondent with failing to make adequate entries in his Activity Log during the time period in question. Respondent pleaded guilty to this charge, acknowledging that numerous entries were incomplete or lacking. On the one hand, the absence of entries reflecting visits to the kite locations on the 11 occasions at issue does not constitute misconduct: Respondent acknowledged that he did not, in fact, make visits and observations on the dates indicated in his reports, and so there would be no reason for him to have made entries in his Activity Log suggesting that he had. Indeed, the absence of such entries in his Activity Log was used as evidence to confirm that Respondent did not visit the locations. However, to the extent that his memo book was generally incomplete as to his activities during the time period in question, Respondent did commit misconduct. Accordingly, I find Respondent guilty-in-part of Specification 2.

Specification 3 charges Respondent with failing to make entries in the Movement Log reflecting his visits to the kite locations. It is undisputed that Respondent did not make any such entries in the Movement Log, and Respondent pleaded guilty to this charge. As discussed above with reference to the Activity Logs, the absence of entries in the Movement Log for the 11 occasions at issue does not constitute misconduct here; since Respondent conceded that he did not go to the locations on those dates, there would be no reason for him to have made entries in the Movement Log suggesting that he had. As with the Activity Logs, the absence of such entries in the Movement Log was offered as evidence *supporting* the charges that Respondent did not, in fact, visit the locations. However, to the extent that Respondent did acknowledge making inaccurate entries in the Movement Log during the time period in question (Tr. 40), Respondent did commit misconduct. As such, I find Respondent guilty-in-part of Specification 3.

Specification 4 charges Respondent with making false entries in Department records in that he prepared reports in which he falsely stated that he had visited and observed kite locations at specific times even though he had not done so. As with Specification 1, above, it is undisputed that on 11 occasions, Respondent did not visit and observe the locations he claimed to have visited in his reports. The AVL records showed that Respondent's vehicle was not at the specified locations, and there were no entries in the Movement Log or Respondent's Activity Log reflecting such visits. Moreover, Respondent, himself, admitted that he did not visit and observe the locations at the times indicated in his reports.

This count differs from Specification 1, however, in that it alleges that Respondent *intentionally* made false statements in his worksheets, knowing them to be untrue. Section 203-08 of the Patrol Guide prohibits the intentional making of a false official statement. Respondent

claims that the worksheets he prepared were not deliberately false; rather, the errors were merely inadvertent mistakes, due to the high volume of work he was handling in 2020. However, after carefully considering the totality of the evidence, I find that the errors in the reports were intentionally false.

The explanation proffered by Respondent would be more convincing if there were just a handful of worksheets that he prepared incorrectly, with lengthy time lapses between the supposed visits to the kite locations and the writings of the reports. However, there were 11 such worksheets prepared by Respondent, reflecting visits and observations at locations that he did not make. Of the 11 reports, three (*see* numbers 4, 6, and 9, pp. 5-7, *supra*) were prepared on the *same day* as the alleged visits, and another one (number 10) was prepared with just a one-day delay. It is inconceivable that these were all mere mistakes by Respondent; rather, Respondent intentionally prepared reports that he knew were false, claiming to have made visits and observations at kite locations that he was well aware he did not, in fact, make.

This tribunal is mindful of the pressures Respondent was facing during the time period in question. Respondent testified credibly that in the midst of dealing with an extremely high workload, he was under pressure from his supervisors to close out his kite investigations. That does not, however, justify Respondent's taking shortcuts with respect to assignments, claiming to have done work that he did not, in fact, do, and then preparing official reports with that materially false information. The record has established, by a preponderance of the credible evidence, that Respondent intentionally made false entries in the Department's business records, and I find him guilty of Specification 4.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on July 8, 2008, has been found guilty of making false statements in official Department reports. The Department Advocate recommends that Respondent's employment be terminated, arguing that Respondent's misconduct here impacts his ability to continue to serve the Department.

The presumptive penalty for intentionally making a false official statement is Termination. Police officers hold a vital position of public trust, and must be held to the highest standards of honesty and integrity. As the Disciplinary Guidelines state, "the justice system relies on members of the service to provide truthful and accurate information in a wide variety of contexts and circumstances." Here, Respondent, on 11 separate occasions, prepared worksheets that were knowingly false, claiming that he had visited and observed kite locations on dates when he had not, in fact, done so. The public's trust in the Department is severely undermined by false statements such as these, and separation from the Department is warranted here.

However, the Disciplinary Guidelines also provide for a mitigated penalty of Forced Separation where appropriate. Based on the totality of the circumstances in this case, the mitigated penalty is warranted.

Respondent credibly explained that he was dealing with some difficult professional and personal pressures, which contributed to his misconduct in this case. As discussed above, his workload in 2020 was overwhelming. Personnel shortages caused by COVID-19, and frequent protests and riots throughout the city, added to the normal stresses of the job, leading to cancelled days-off and extended shifts. Additionally, Respondent's wife was pregnant at the time.

Further, this was not a situation where the false information in Respondent's reports led to arrests of innocent individuals. The Department Advocate acknowledged that there were no improper arrests of any perpetrator as a result of the reports prepared by Respondent, and no improper search warrants obtained. (Tr. 98)

In almost 14 years of service to the Department, Respondent has no prior disciplinary record. Respondent submitted a number of letters, including several from current and former work colleagues, attesting to his strength of character, integrity, and strong work ethic. On the witness stand, Respondent emphasized how much he values working for the Department. He came across as genuine when he testified, "It's a very prideful and meaningful job to me. I really do love it.... It's a tough job, but I really do enjoy it." (Tr. 48)

To be sure, the job expects truthfulness and professionalism from its members, even during challenging times, and the difficulties experienced by Respondent do not justify his misconduct in this case. A member of the service with Respondent's experience is expected to understand that and act accordingly. But the surrounding circumstances do provide meaningful context to assess Respondent's behavior here, and that, combined with his strong record of service with the Department, warrants imposition of the mitigated penalty of Forced Separation, in lieu of termination. Accordingly, I recommend that the Police Commissioner direct an

immediate post-trial settlement negotiation, allowing Respondent to file for vested-interest retirement, along with whatever additional conditions she deems appropriate.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED

SEP 21 2022

KEEZHANT L. SEWELL
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
DETECTIVE THOMAS MANNION
TAX REGISTRY NO. 947205
DISCIPLINARY CASE NO. 2021-23299

Respondent was appointed to the Department on July 8, 2008. On his three most recent annual performance evaluations, he was rated “Exceeds Expectations” for 2021 and twice received 4.5 overall ratings of “Extremely Competent/Highly Competent” in 2019 and 2020.

Respondent has no disciplinary history.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials